IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 28860 of 2004(I)

PETITIONER:

A.L.JOSE, S/O.AKKERAKKARAN LONAPPAN,
IRINJALAKUDA DESOM, MANAVALASSERY VILLAGE,
MUKUNDAPURAM TALUK.

BY ADV. SRI.K.S.BHARATHAN

RESPONDENTS:

---

1. JOSE, S/O.KUNJIPORINCHU, CHITTAMMAL
MANGADIYA VADAKKUM MURI DESOM, PUTHENKARA VILLAGE,
MUKUNDAPURAM.

2. JACON, S/O.RAPHEL, CHEMMASSERY,
MANAKKOD MURI DESOM, CHENNAMANGALAM VILLAGE,
PARAVOOR TALUK.

3. ANTU, S/O.KUNJIPORINCHU,
CHITTAMMEL MANGADIYA, P.B.NO.450,
U.A.E. ABUDABI.

4. PAULI, S/O.LUIS MUZHUVANCHERRY VEEDU,
ONATHUKAD DESOM, MOOTHAKUNNAM VILLAGE,
PARAVOOR TALUK.

5. THE CIRCLE INSPECTOR OF POLICE,
CHALAKKUDI.

6. THE SUB INSPECTOR OF POLICE,
CHALAKKUDI.

BY ADV. SRI.T.H.ABDUL AZEEZ FOR R2 AND R4.
PUBLIC PROSECUTOR SRI. SHYSON P.MANGUZHA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF C.M.P.6379/2000 BY THE PETITIONER BEFORE THE JFCM, CHALAKKUDY DTD. 31.5.2000.

EXT.P2: COPY OF STATEMENT DTD. 27.7.2000.

EXT.P3: COPY OF REPORT OF THE 6TH RESPONDENT DTD. 24.11.2001.

EXT.P4: COPY OF STATEMENT OF 6TH RESPONDENT DTD. 16.6.2001.

EXT.P5: COPY OF C.M.P.2949/04 DTD. 26.5.2004 FILED BY THE PETITIONER BEFORE JFCM, CHALAKKUDY.

EXT.P6: COPY OF CONDONATION PETITION FILED BY PETITIONER BEFORE THE JFCM.

EXT.P7: COPY OF STAY PETITION FILED BY THE PETITIONER BEFORE THE JFCM.

.....

RESPONDENT'S EXHIBITS: NIL

....

// TRUE COPY//

PIUS C. KURIAKOSE,J.

- -

W.P.(C) No.28860 of 2004

- -

Dated: 23rd July, 2007

JUDGMENT

Heard Mr.K.S.Bharathan, counsel for the petitioner and the Public Prosecutor.

2. Having regard to the grounds raised, the documents placed on record and the submissions addressed at the Bar, I am of the view that there is justification for directing that the stay presently ordered in respect of further proceedings in C.C.No.1039/01 presently pending trial before the JFCM Court, Chalakudi be continued till such time as the learned Magistrate takes a decision on Ext.P5. That is to say, if the Magistrate becomes inclined to have Ext.P5 enquired into under Section 156(3) by an investigating agency till such time as the said agency files the final report or if the learned Magistrate decides to try Ext.P5 as a private complaint by himself, till such time as the trial in Ext.P5 is taken up.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**